

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 2:24-cv-00841-JAD-BNW

Julie Embry d/b/a Triple Braided Cord Trust,

Plaintiff

v.

Nationstar Mortgage, LLC, et al.,

Defendants

**Order Denying Second Emergency Motion
for Preliminary Injunction and Amending
Order to Show Cause**

[ECF No. 4]

Plaintiff Triple Braided Cord Trust, represented by its non-lawyer trustee Julie Embry, initiated this case by filing an emergency motion for a preliminary injunction prohibiting defendants Nationstar Mortgage LLC, Mr. Cooper, and MTC Financial from auctioning the Trust's real property on May 10, 2024.¹ I denied that motion because Embry didn't file a complaint along with the motion and because a pro se litigant cannot represent a trust in a civil action unless she shows that she is the sole beneficial owner of the trust's assets.² I also ordered Embry to show cause why this case should not be dismissed because of those deficiencies.³

Yesterday, Embry filed a complaint and another emergency motion for a preliminary injunction to halt the foreclosure proceedings.⁴ She also changed the plaintiff's name to "Julie Embry d/b/a Triple Braided Cord Trust."⁵ While filing a complaint has cleared one legal hurdle for Embry, she has not corrected the other one: she is still a pro se litigant attempting to represent

¹ ECF No. 1.

² ECF No. 2.

³ *Id.*

⁴ ECF Nos. 3, 4.

⁵ *See* ECF No. 3 at 1.

1 a trust, and she does not show that she is the sole beneficiary of that trust.⁶ Embry has also again
 2 failed to follow this district's local rules for filing an emergency motion.⁷ And it appears that she
 3 hasn't served these documents on the defendants in this case or shown cause why I should
 4 consider this motion on an ex parte basis, violating local and federal rules.⁸

5 Accordingly,

6 IT IS ORDERED that plaintiff Julie Embry d/b/a Triple Braided Cord Trust's second
 7 emergency motion for a preliminary injunction [ECF No. 4] is **DENIED**.

8 Because Plaintiff has filed a complaint in this action, the court discharges the portion of
 9 the order to show cause asking why this case should not be dismissed for failure to file a
 10 complaint. Plaintiff must still **SHOW CAUSE by May 20, 2024, why this case should not be**
 11 **dismissed for failure to obtain proper legal representation.**

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 13 U.S. District Judge Jennifer A. Dorsey
 14 May 9, 2024
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20 ⁶ ECF No. 2 at 2.

21 ⁷ See L.R. 7-4.

22 ⁸ See L.R. IA 7-2 ("An ex parte motion or application must articulate the rule that permits ex
 23 parte filing and explain why it is filed on an ex parte basis."); Fed. R. Civ. P. 65(b)(1) ("The
 court may issue a temporary restraining order without written or oral notice to the adverse party
 . . . only if specific facts in an affidavit or a verified complaint" justify that relief and "the
 movant's attorney certifies in writing any efforts made to give notice and the reasons why it
 should not be required.").